

Standards for non-government schools

Determined by the Minister for Education in accordance with section 159 of the *School Education Act 1999*

The following standards are to take effect on and from 1 January 2017.

STANDARD 1: CURRICULUM OR CURRICULUMS AT SCHOOLS¹

- 1.1 The curriculum is approved, accredited or recognised by the School Curriculum and Standards Authority.
- 1.2 Curriculum for pre-kindergarten is consistent with the principles, practice and learning outcomes of the Early Years Learning Framework².

STANDARD 2: STAFF TO STUDENT RATIOS AT SCHOOLS³

- 2.1 In pre-primary, primary and secondary classes, staff to student ratios are sufficient to provide a satisfactory standard of education and care.
- 2.2 In pre-kindergarten and kindergarten classes, including those containing older students, unless otherwise approved by the Director General:
 - (a) the staff to student ratio is one staff member, working directly with the students, to a maximum of 10 students however staff may take breaks of up to 30 minutes per day 'off the floor'. Throughout the break the staff must remain on the school premises and be immediately available to assist if required. In planning staff breaks, adequate supervision must be maintained at all times and the overarching consideration must be the needs of the children;
 - (b) one early childhood teacher is required for every 30 students; and
 - (c) an early childhood teacher must be in attendance at all times that students are present⁴.

STANDARD 3: THE DAYS AND HOURS OF INSTRUCTION PROVIDED BY SCHOOLS⁵

- 3.1 Unless otherwise approved by the Director General, the annual total number of hours of instruction are equivalent to, or more than, the product of the number of days of instruction for government schools as published in the *Government Gazette* and the minimum hours of instruction prescribed for government schools⁶.

STANDARD 4: THE STAFF OF SCHOOLS⁷

- 4.1 The governing body ensures all staff and volunteers are compliant with the requirements of the *Working with Children (Criminal Record Checking) Act 2004*, *Working with Children (Criminal Record Checking) Regulations 2005*, *Teacher Registration Act 2012* and *Teacher Registration (General) Regulations 2012*.
- 4.2 In pre-kindergarten and kindergarten, unless otherwise approved by the Director General:
 - (a) every class must have a teacher with either an approved early childhood teaching qualification⁸ or at least 7 years' experience as an early childhood teacher although, if the

¹ *School Education Act 1999*, section 159(1)(a).

² Matching the requirement of the National Quality Standard for Early Childhood Education and Care to the extent agreed by the cross-sectoral committee.

³ *School Education Act 1999*, section 159(1)(b).

⁴ Matching the requirement of the National Quality Standard for Early Childhood Education and Care to the extent agreed by the cross-sectoral committee.

⁵ *School Education Act 1999*, section 159(1)(c).

⁶ *School Education Regulations 2000*, regulations 24 – 27.

⁷ *School Education Act 1999*, section 159(1)(d).

early childhood teacher is absent for up to 12 weeks, his or her place may be filled by a primary-qualified teacher;

- (b) at least 50% of the staff required to meet the staff to student ratio must have, or be actively working towards, at least an approved diploma level education and care qualification (the teacher can be included in this 50%) and all other staff required to meet the ratio must have, or be actively working towards, at least an approved certificate III level education and care qualification;
 - (c) there must be staff on the premises with the following: a current approved first aid qualification; current approved anaphylaxis management training; and current approved emergency asthma management training⁹; and
 - (d) a record must be kept of the person responsible for the class at any time and who was working with the students at any time¹⁰.
- 4.3 The school implements a Staff Code of Conduct which includes boarding staff if relevant and provides guidelines on how to comply with it.
- 4.4 The school provides all new staff, including boarding staff if relevant, with an induction covering the Staff Code of Conduct and guidelines on how to comply with it and all other school policies and procedures.
- 4.5 The school ensures all staff participate in regular performance management procedures and professional learning linked, where appropriate, to the Professional Standards for Teachers in Western Australia and to the school's processes for improving student learning¹¹.

STANDARD 5: THE PREMISES THAT MAY BE USED FOR, OR IN CONNECTION WITH, SCHOOLS¹²

- 5.1 The premises are safe, well-maintained, sufficient and appropriate for the delivery of the curriculum to students in the year levels for which the school seeks registration or has been registered and for the number of students enrolled.
- 5.2 For pre-kindergarten and kindergarten programs, unless otherwise approved by the Director General, new buildings provide 3.25 square metres of unencumbered indoor space for each student and at least 7 square metres of unencumbered space for each student¹³.

STANDARD 6: THE FACILITIES OF SCHOOLS¹⁴

- 6.1 The facilities used by the school, including vehicles if any, are fit for purpose, safe, hygienic, well-maintained, sufficient and appropriate for the delivery of the curriculum to students in the year levels for which the school seeks registration or has been registered and for the number of students intended to use them.

⁸ The qualification must be both (1) listed as an early childhood teaching qualification on the website of the Australian Children's Education and Care Quality Authority (ACECQA) and (2) either listed as an Initial Teacher Education Programme (ITEP) on the website of the Australian Institute of Teaching and School Leadership (AITSL) or approved by the Teacher Registration Board of Western Australia (TRBWA) as equivalent to an ITEP.

⁹ For a list of approved training and qualifications refer to the website of the Australian Children's Education and Care Quality Authority.

¹⁰ Matching the requirement of the National Quality Standard for Early Childhood Education and Care to the extent agreed by the cross-sectoral committee.

¹¹ *School Education Act 1999*, section 160(1)(f)(ii).

¹² *School Education Act 1999*, section 159(1)(e).

¹³ Matching the requirement of the National Quality Standard for Early Childhood Education and Care to the extent agreed upon for schools in Western Australia.

¹⁴ *School Education Act 1999*, section 159(1)(f).

STANDARD 7: THE NUMBER OF CHILDREN IN EACH YEAR LEVEL AT SCHOOLS¹⁵

- 7.1 The number of students in each year level is sufficient to sustain delivery of the approved curriculum and provide ancillary services to ensure access to educational programmes for all students.

STANDARD 8: THE ENROLMENT AND ATTENDANCE PROCEDURES AT SCHOOLS¹⁶

- 8.1 Student enrolment and attendance policies, procedures and practices comply with all legal requirements including the prohibition of unlawful discrimination¹⁷.

STANDARD 9: THE MANAGEMENT, RECORDING AND REPORTING OF CRITICAL AND EMERGENCY INCIDENTS AT SCHOOLS¹⁸

- 9.1 The Principal notifies the governing body of all critical or emergency incidents.
- 9.2 Critical and emergency incidents are managed in such a way as to give highest priority to the best interests of the student or students affected.
- 9.3 The governing body ensures the Director General is notified as soon as practicable and, in any event, within 48 hours of the incident using the Critical and Emergency Incident Report form, available on the DES website at <http://www.des.wa.gov.au>

STANDARD 10: THE ARRANGEMENTS (IF ANY) FOR BOARD AND LODGING FOR STUDENTS ON SCHOOL PREMISES OR PREMISES ASSOCIATED WITH SCHOOLS¹⁹

- 10.1 Schools enrolling boarders provide boarding facilities that are safe and developmentally appropriate.
- 10.2 The physical premises and facilities are fit for purpose, safe, hygienic, well-maintained, sufficient and appropriate for the accommodation of boarding students and for the numbers of students accommodated.
- 10.3 The accommodation arrangements enable the provision of a child-safe environment.
- 10.4 The boarders receive a well-balanced and nutritious diet.
- 10.5 Staff employed to supervise the boarders are competent, fit and proper persons, qualified to manage their care, welfare and needs and compliant with the *Working with Children (Criminal Record Checking) Act 2004*.
- 10.6 The school maintains open and effective communication with the parents and guardians of boarders.
- 10.7 The code of conduct for students sets out the minimum standards of conduct to be observed at a boarding facility.

¹⁵ *School Education Act 1999*, section 159(1)(g).

¹⁶ *School Education Act 1999*, section 159(1)(h).

¹⁷ Legal requirements include *School Education Act 1999*, Part 2; *School Education Regulations 2000*, regs 6, 7 and 10; the *Equal Opportunity Act 1984* and its federal counterparts *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992* and *Age Discrimination Act 2004*.

¹⁸ *School Education Act 1999*, section 159(1)(i).

¹⁹ *School Education Act 1999*, section 159(1)(j).

STANDARD 11: THE RESPONSE TO, AND RECORDING OF, COMPLAINTS AND DISPUTES AT SCHOOLS²⁰

- 11.1 The school has and implements policies and procedures for receiving and handling complaints, including from students in boarding facilities if relevant, which are child-friendly, publicised and readily accessible to all members of the school community.
- 11.2 Complaints are handled promptly, objectively, fairly and confidentially, remedies are provided when complaints are upheld and there is a system for review.
- 11.3 Reports, complaints and allegations are recorded in such a way as to enable the detection of any patterns emerging over time.

STANDARD 12: THE ARRANGEMENTS FOR PREVENTING CHILD ABUSE AT SCHOOLS AND FOR RESPONDING TO ANY SUCH ABUSE WHICH MAY OCCUR²¹

- 12.1 The school implements policies, procedures, practices and strategies for the prevention of grooming and child abuse, including for boarding facilities if relevant, which are approved by the governing body, reviewed annually and updated in light of experience and relevant research, including at least:
 - (a) arrangement of the premises and policies and procedures to deter inappropriate interactions and facilitate detection;
 - (b) a Staff Code of Conduct and guidelines on how to comply with it which clearly distinguish between grooming and sexual abuse, providing examples, and clearly delineate the boundaries between appropriate and inappropriate interaction between students and between students and adults;
 - (c) recruitment practices which:
 - i. engage only those who are suitable to work with students;
 - ii. make every attempt to assess commitment to the Staff Code of Conduct on the part of applicants; and
 - iii. include induction into the school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming, and abuse and mandatory reporting obligations;
 - (d) annual professional learning for all staff on the Staff Code of Conduct, the guidelines on how to comply with it and related grooming and child abuse prevention practices and strategies;
 - (e) delivery to all students of a developmentally appropriate protective behaviours curriculum, developed by experts in child abuse prevention, and covering what the boundaries are between appropriate and inappropriate interactions and when, how and who to tell when a boundary is crossed; and
 - (f) provision of information to parents and guardians about the protective behaviours curriculum, the Staff Code of Conduct and when, how and who to tell when they have concerns about grooming or child abuse.
- 12.2 Procedures for the detection and reporting of Staff Code of Conduct breaches, grooming and child abuse, at the school or boarding facility if relevant, include at least the following requirements:
 - (a) that staff must report breaches and suspected breaches of the Staff Code of Conduct, other than those subject to mandatory reporting obligations, to the Principal or chair of the governing body;
 - (b) that staff must understand and comply with their mandatory reporting obligations;
 - (c) in cases where a former student, or the parent or guardian of a former student, makes an allegation about child sexual abuse at the school occurring before 2009, the Department for Child Protection and Family Support is to be informed immediately;

²⁰ *School Education Act 1999*, section 159(1)(k).

²¹ *School Education Act 1999*, section 159(1)(j).

- (d) that victimisation of staff, students, parents and guardians for making an allegation in accordance with the school's policy, is forbidden, including where the allegation is unfounded; and
 - (e) that the governing body ensures that actual breaches of the Staff Code of Conduct, where there are reasonable grounds to suspect grooming, are reported to the Director General in accordance with standard 9.3.
- 12.3 The school responds appropriately to allegations of Staff Code of Conduct breaches, grooming and child abuse in the best interests of students and in accordance with a policy and procedure which at least requires that:
- (a) the governing body and Principal comply with their legal and professional obligations;
 - (b) in the case of an allegation of grooming or child abuse by staff, the complainant is informed about the advocacy, support and other services which may be available; and
 - (c) consultation is undertaken with the relevant government authorities to determine when, what and by whom information related to an allegation of child abuse and its investigation may be given to the person the subject of the allegation, the complainant, affected students and their parents and guardians, and the wider school community.

STANDARD 13: THE SUFFICIENCY OF SCHOOLS' FINANCIAL RESOURCES FOR PROVIDING EDUCATION OF THE KIND FOR WHICH REGISTRATION IS SOUGHT²²

- 13.1 The school is financially viable.
- 13.2 The school's financial resources are sufficient to enable it to deliver the curriculum for the number of students enrolled in the year levels for which the school is or seeks to be registered and appropriate ancillary services to ensure access to educational programmes for all students.

STANDARD 14: METHODS OF DISCIPLINE AND PUNISHMENT²³

- 14.1 All students receive positive guidance and encouragement towards acceptable behaviour and are given opportunities to interact and develop respectful and positive relationships with each other and with staff members and volunteers.
- 14.2 The student behaviour management policy explicitly forbids the use of any form of child abuse, corporal punishment or other degrading punishment²⁴.
- 14.3 The administration of permitted forms of behaviour management, discipline or punishment conforms to the principles of procedural fairness and the prohibition of unlawful discrimination.

²² *School Education Act 1999*, section 159(1)(m).

²³ *School Education Act 1999*, section 159(1)(n) and *School Education Regulations 2000*, reg 131A.

²⁴ United Nations Convention on the Rights of the Child, articles 28 and 37; International Covenant on Civil and Political Rights, article 7; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: all of which have been ratified by Australia.

DEFINITIONS

Advocacy and support

Advocacy and support is acting alongside, or on behalf of, victims and survivors of child sexual abuse to support their rights and interests while providing tangible and practical support.

Child abuse

Four forms of child abuse are covered by WA law:

- 1) Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver.
- 2) Sexual abuse, in relation to a child, includes sexual behaviour in circumstances where —
 - a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
 - b) the child has less power than another person involved in the behaviour; or
 - c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour
- 3) Emotional abuse includes—
 - a) psychological abuse; and
 - b) being exposed to an act of family and domestic violence;
- 4) Neglect includes failure by a child's parents to provide, arrange or allow the provision of—
 - (a) adequate care for the child; or
 - (b) effective medical, therapeutic or remedial treatment for the child.

Code of Conduct

A Code of Conduct promotes positive work practices and establishes expectations for personal and professional boundaries concerning appropriate and inappropriate behaviour in relation to staff, students, volunteers, parents and guardians. It provides guidance about behaviour, relationships, attitudes and responsibilities and outlines the process that will be followed if the Code is not observed.

Child-safe environment

A child-safe environment is one in which children are protected from physical, sexual, emotional and psychological harm and from neglect. It is a safe and positive environment where children feel respected, valued and encouraged to reach their full potential.

Corporal punishment

Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm: from UN Committee on the Rights of the Child, *General Comment No. 8* (2006), paragraphs 11 and 15: CRC/C/GC/8, 2 March 2007.

Critical and emergency incidents

- circumstances that pose a critical risk to the health, safety or wellbeing of one or more students or staff;
- incidents requiring school closure, lockdown, or reduction of number of students or staff attending;

- death, or life-threatening injury, of a student or staff member at school, or following an incident that occurred at the school, or through a related school-based activity or circumstance;
- receipt of an allegation of child abuse, including but not limited to sexual abuse, against a student by a staff member or student or other person, whether the abuse is alleged to have occurred recently or in the past;
- issuing a formal warning to a staff member or ceasing the employment of a staff member for a breach of the Code of Conduct suspected to be grooming behaviour.

Degrading punishment

Any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child: from UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 16: CRC/C/GC/8, 2 March 2007.

Director General

The Director General is the chief executive officer of the Department of Education Services.

Dispute

Unresolved complaint escalated internally or externally, or both: from AS/NZS 10002:2014 *Guidelines for Complaint Management in Organizations*.

Early childhood teaching qualification

The qualification must be both—

- (1) listed as an early childhood teaching qualification on the website of the Australian Children's Education and Care Quality Authority (ACECQA); and
- (2) either listed as an Initial Teacher Education Programme (ITEP) on the website of the Australian Institute of Teaching and School Leadership (AITSL) or approved by the Teacher Registration Board of Western Australia (TRBWA) as equivalent to an ITEP.

Grooming

Actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for engaging in sexual activity with the child.

Minimum hours of instruction

- (a) For kindergarten students, at least 11 hours during each week in which the school is open for instruction.
- (b) For pre-primary students, at least 25 hours and 50 minutes each week the school is open for instruction and not less than 4 hours and 10 minutes each day the school is open for instruction.
- (c) Notwithstanding paragraph (b), for pre-primary students in receipt of a curriculum recognised under section 9(1)(e)(v) of the *School Curriculum and Standards Authority Act 1997*, the hours of instruction are as directed by the Principal, but must be at least 15 hours per week.
- (d) For primary and secondary students, at least 25 hours and 50 minutes each week the school is open for instruction and not less than 4 hours and 10 minutes each day the school is open for instruction, unless otherwise approved by the Director General.

Unlawful discrimination

Discrimination in education as defined in the *Equal Opportunity Act 1984 (WA)*, *Racial Discrimination Act 1975 (Cwth)*, *Sex Discrimination Act 1984 (Cwth)*, *Disability Discrimination Act 1992 (Cwth)* and *Age Discrimination Act 2004 (Cwth)*.

The WA Act makes discrimination in education unlawful on the following grounds: race including colour, descent, ethnic or national origin or nationality, religious conviction, political conviction, sex (unless the school or boarding accommodation is established for students of one sex only), marital status, pregnancy, breast feeding, gender history, sexual orientation, age, family responsibility, family status, impairment, together with racial and sexual harassment. The Act defines most of these terms [in section 4]. A school conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed may discriminate in favour of adherents in good faith except on the grounds of race, impairment or age [section 73(3)]. Discrimination includes both direct and indirect forms but usually does not include measures designed to achieve equality or address special needs. Where accommodating the needs of a student with an impairment would cause unjustifiable hardship, discrimination against that student may be permissible [section 66I(4)]. The Commonwealth Acts make education discrimination on the following grounds unlawful: race, colour, descent, national origin, ethnic origin, disability (in the absence of unjustifiable hardship), age, sex (unless the institution is single-sex), sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, as well as sexual harassment and offensive behaviour based on racial hatred. As in the WA Act, discrimination includes both direct and indirect forms but typically does not include measures designed to achieve equality or address special needs.



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Hon Peter Collier MLC
MINISTER FOR EDUCATION



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Date